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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/460,221	12/13/1999	NAOYASU MIYAGAWA	JEL-28567RE-	2207
7590	08/25/2005		EXAMINER	
JAMES E LEDBETTER STEVENS DAVIS MILLER & MOSHER LLP 1615 L STREET NW SUITE 850 PO BOX 34387 WASHINGTON, DC 200434387			HINDI, NABIL Z	
		ART UNIT	PAPER NUMBER	2655
DATE MAILED: 08/25/2005				

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT      PAPER

20050822

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Commissioner for Patents

the reply brief dated March 24, 2005 is entered.

  
NABIL HINDI  
PRIMARY EXAMINER  
GROUP 2500  
2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Naoyasu MIYAGAWA, et al. Art Unit: 2655

Appln. No.: 09/460,221 Examiner: N. Hindi

Filed: December 13, 1999

For: OPTICAL RECORDING/REPRODUCING APPARATUS FOR  
OPTICAL DISKS WITH VARIOUS DISK SUBSTRATE  
THICKNESSES

SUPPLEMENTAL REPLY BRIEF

This appeal was remanded to the examiner on September 16, 2003, for the purpose of reconsideration of the recapture rejection in light of the precedential Board decision in *Ex parte Eggert et al.*<sup>1</sup> decided May 29, 2003 by an expanded panel of the Board of Patent Appeals and Interferences. This Decision illuminates various CCPA and CAFC decisions cited in the Answer, such as *Hester Industries, In re Clement, Ball Corp., Pannu, and Mentor*.

The Supplemental Examiner's Answer (hereinafter, "Answer") of January 24, 2005, addresses various issues in addition to those raised by Eggert.

This Supplemental Reply Brief addresses the points of argument asserted in the Answer, which include (1) reassertion of various arguments made in the first Examiner's Answer, (2) arguments

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<sup>1</sup>67 USPQ2d 1716 (BPAI 2003); hereinafter, "Ex parte Eggert," "Eggert et al." or "Eggert" refers to this decision and not the earlier board decisions also involving Eggert et al.